

FORM 23-I: Confirmatory Order Modifying License (Effective Immediately) (Reactor Licensee)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

(LICENSEE)
(Facility Name)

)
)
)
)

Docket No. _____
License No. _____
EA-YY-XXX

CONFIRMATORY ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

I

[Double space from here to end, except single space title of signing official.]

(Name of licensee) (Licensee) is the holder of Facility Operating License No. _____ issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on (date). The license authorizes the operation of _____ (facility) in accordance with conditions specified therein. The facility is located on the Licensee's site in (City, State).

II

[This section should provide a description of relevant events, facts, violations, technical or legal reasons that provide the substantive basis for issuing the Order. The following example is provided as a sample discussion for this section.]

[By letter dated (date), the Licensee informed the Commission that an inspection of (equipment, systems, etc.) that began on (date) revealed _____.

As a result, there is a significantly increased probability of a _____ failure at this time, raising immediate concerns relative to the public health and safety.]

III

[This section should begin by setting forth any commitments by Licensee in response to the NRC's concerns, e.g., "On (date), the Licensee met with the NRC staff regarding this matter. In response to the staff's concerns, the Licensee subsequently submitted a letter dated (date) in which it committed to take a number of actions with respect to _____. Specifically, (name of licensee) has committed to _____."] [This section should end with the licensee's consent and waiver of rights to a hearing and why the staff is accepting the commitment, e.g., "On (date), the Licensee consented to issuing this Order with the commitments, as described in Section IV below. The Licensee further agreed in its (date) letter that this Order is to be effective upon issuance and that it has waived its right to a hearing. Implementation of these commitments will provide enhanced assurance that sufficient resources will be applied to the radiation safety program, and that the program will be conducted safely and in accordance with NRC requirements."]

I find that the Licensee's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the plant's safety is reasonably assured. In view of the foregoing, I

have determined that public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above and Licensee's consent, this Order is immediately effective upon issuance.

IV

¹Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. ____ IS MODIFIED AS FOLLOWS:

[Specifically list how license is modified, e.g.:

1. _____
2. _____
3. _____
4. _____]

The Regional Administrator, Region __, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region __, (regional address), and to the Licensee. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR § 2.714(d).²

¹Include "104b" if any of the licenses subject to the order were issued under 104b.

²The most recent version of Title 10 of the Code of Federal Regulations, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714 (d) and paragraphs (d)(1) and (d)(2) regarding petitions to intervene and contentions. For the complete, corrected text of 10 CFR 2.714 (d), please see 67 FR 20884; April 29, 2002.

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION

_____, Director
Office of Enforcement

Dated this ____ day of (Month) 20(XX)